

LEGISLATIVE ASSEMBLY

EXPLANATORY MEMORANDUM

AGRICULTURAL AND VETERINARY CHEMICALS
(WESTERN AUSTRALIA) AMENDMENT BILL 1999

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THIS BILL IS SHORT BUT VERY IMPORTANT BECAUSE OF POTENTIAL ADVERSE IMPLICATIONS FOR AUSTRALIA'S MEAT MARKETS.

THE AGRICULTURAL AND VETERINARY CHEMICALS (WESTERN AUSTRALIA) ACT 1995 ENABLES A COMMONWEALTH ACT, THE AGRICULTURAL AND VETERINARY CHEMICALS CODE ACT 1994 (AGVET CODE ACT) AND ASSOCIATED REGULATIONS TO BE ADOPTED IN WESTERN AUSTRALIA.

SECTION 36(2) OF THE ACT SPECIFICALLY EXEMPTS ANIMAL FEEDING STUFFS OR PRESCRIBED SUBSTANCES WITHIN THE MEANING OF THE VETERINARY PREPARATIONS AND ANIMAL FEEDING STUFFS ACT 1976 FROM THE CONTROL OF THE AGVET CODE ACT. THIS INCONSISTENCY MEANS THAT CONTROLS THAT ARE INTENDED TO APPLY NATIONWIDE AND ARE ADOPTED BY ALL STATES AND TERRITORIES, CANNOT BE APPLIED IN WESTERN AUSTRALIA BECAUSE OF THESE EXEMPTIONS. WHILE THIS INCONSISTENCY HAS BEEN IDENTIFIED, THE PROCESSES OF CONTROL HAVE BEEN OPERATED AS IF THE INCONSISTENCY DID NOT EXIST AND THE FULL EFFECT OF THE AGVET CODE ACT HAS BEEN APPLICABLE IN WESTERN AUSTRALIA.

THE AGRICULTURAL AND VETERINARY CHEMICALS (WESTERN AUSTRALIA) AMENDMENT BILL 1999 REPEALS SECTION 36(2) OF THE ACT AND ALLOWS THE AGVET CODE TO CONTROL THE SUPPLY OF ANIMAL FEEDING STUFFS AND PRESCRIBED SUBSTANCES AND THE VETERINARY PREPARATIONS AND ANIMAL FEEDING STUFFS ACT 1976 TO CONTROL THE USE OF SUCH PRODUCTS. THIS SATISFIES THE INTENTION FOR BOTH THE AGVET CODE AND THE VETERINARY PREPARATIONS AND ANIMAL FEEDING STUFFS ACT TO APPLY SIMULTANEOUSLY TO ANIMAL FEEDING STUFFS AND PRESCRIBED SUBSTANCES.

UNDER THE LEGISLATION CURRENTLY, HORMONAL GROWTH PROMOTANTS (HGPS) ARE EXEMPT AND THE NATIONAL REGISTRATION AUTHORITY HAS NO CONTROL OVER THESE PRODUCTS IN WESTERN AUSTRALIA INCLUDING THE REQUIREMENTS FOR KEEPING RECORDS TO DETAIL THE FINAL DESTINATION OF HGPS.

CABINET'S APPROVAL TO PRINT WAS SUBJECT TO THE MINISTER FOR PRIMARY INDUSTRY ENSURING LIAISON WITH THE DEPARTMENT OF HEALTH PRIOR TO PRINTING. THE HEALTH DEPARTMENT HAD QUERIED THE DUPLICATION OF LICENSING OF HGP SUPPLIERS THAT OCCURS WITH THE NATIONAL REGISTRATION AUTHORITY AND THE HEALTH DEPARTMENT. DISCUSSIONS HAVE OCCURRED AND CONCERNS HAVE BEEN CLARIFIED. THE HEALTH DEPARTMENT LICENSES AND AUDITS SELLERS OF SCHEDULE 4 POISONS. ALL HGPS ARE SCHEDULE 5 OR 6 SO THERE IS NO DUPLICATION IN THIS AREA.

OUTLINED BELOW IS AN EXAMINATION OF THE BILL ON A CLAUSE BY CLAUSE BASIS.

CLAUSE 1 SHORT TITLE AND CITATION.

CLAUSE 2 PROVIDES THAT THE PROPOSED ACT WILL COME INTO OPERATION ON THE DAY ON WHICH IT RECEIVES THE ROYAL ASSENT.

CLAUSE 3 REPEALS SECTION 36(2) OF THE AGRICULTURAL AND VETERINARY CHEMICALS (WESTERN AUSTRALIA) ACT 1995. THE REPEALED SECTION STATES THAT "THE AGVET CODE DOES NOT APPLY TO AN ANIMAL FEEDING STUFF, OR A PRESCRIBED SUBSTANCE, WITHIN THE MEANING OF THE VETERINARY PREPARATIONS AND ANIMAL FEEDING STUFFS ACT 1976."